

REMARKS

Claim 16, added by Examiner's Amendment following an interview with the undersigned, is amended above to change the phrase "vascular epithelium" to correctly read "vascular endothelium." Specification support for the term "vascular endothelium" in the context of claim 16 is found at page 1, lines 22-30 as follows:

Reversal of neovascularisation by damaging the newly-formed **vascular endothelium** is expected to have a beneficial therapeutic effect. The present invention is based on the discovery of tricyclic compounds that surprisingly specifically damage newly formed vasculature without affecting the normal, established **vascular endothelium** of the host species, a property of value in the treatment of disease states associated with angiogenesis such as cancer, diabetes, psoriasis, rheumatoid arthritis, Kaposi's sarcoma, haemangioma, acute and chronic nephropathies, atheroma, arterial restenosis, autoimmune diseases, acute inflammation, endometriosis, dysfunctional uterine bleeding and ocular diseases with retinal vessel proliferation. (Emphasis added)

On the other hand, the phrase "vascular epithelium" does not appear anywhere in the specification or claims as filed.

The erroneous word "epithelium" was first introduced with amended claim 15, which was filed June 7, 2005 after discussion with the Examiner. It is not clear whether the word originated during the discussion from the undersigned or the Examiner. In any event, the undersigned did not appreciate that "epithelium" was being used rather than the correct term "endothelium" until his final review of the claims after allowance and before payment of the issue fee, and therefore could not have made the above amendment before allowance. The amendment is necessary in that "vascular epithelium" appears nowhere in the specification, and it is readily apparent from the specification that the term in claim 16 should instead be "vascular endothelium." Accordingly, no new matter is being added, no further search or

significant effort is required of the Examiner, and therefore entry of this amendment pursuant to the terms of 37 C.F.R. § 1.312 is both appropriate and necessary.

Claim 16 has also been amended to be additionally dependent on allowed dependent compound claims 4, 7, 8, 9, 10, 11 and 12, in addition to its dependency on independent compound claim 2 as presented in the Examiner's Amendment. Since each of compound claims 4, 7, 8, 9, 10, 11 and 12 is necessarily narrower in scope than independent compound claim 2, and already has been allowed, the additional dependency of method claim 16 on these allowed narrower compound claims cannot raise additional issues of patentability or require a new search or otherwise require any significant further effort by the Examiner. Moreover, since the total claim count with these amendments is still within the number of claims previously paid for, there is no additional claim fee to be processed. Accordingly, entry of this amendment to claim 16 is believed to be appropriate under 37 C.F.R. § 1.312, and is respectfully requested.

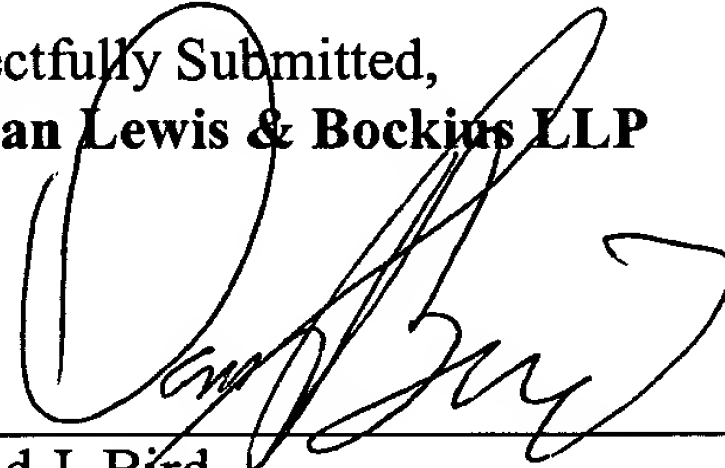
Following entry of the above amendments, claims 2, 4-14 and 16 remain pending in this application.

Expedited entry of the above amendment is therefore respectfully requested.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit

Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,
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